

Honorable Judge Benjamin Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLYDE RAY SPENCER, MATTHEW RAY
SPENCER, and KATHRYN E. TETZ,

Plaintiffs,

v.

FORMER DEPUTY PROSECUTING
ATTORNEY FOR CLARK COUNTY JAMES
M. PETERS, DETECTIVE SHARON KRAUSE,
SERGEANT MICHAEL DAVIDSON, CLARK
COUNTY PROSECUTOR'S OFFICE, CLARK
COUNTY SHERIFF'S OFFICE, THE COUNTY
OF CLARK and JOHN DOES ONE THROUGH
TEN,

Defendants.

No. C11-5424BHS

DECLARATION OF ANN LINK,
Ph.D.

Pursuant to 28 U.S.C. § 1746, Ann Link, Ph.D., declares under penalty of perjury under
the laws of the State of California and the United States of America that the following is true
and accurate:

1. My name is Ann Link, Ph.D. I am a licensed clinical psychologist practicing in the
state of California. My business address is 5801 North Avenue, Carmichael, California.

2. I have personal and direct knowledge of the facts set forth in this declaration, and I
will testify to them if called upon to do so.

DECLARATION OF ANN LINK, Ph.D.
(C11-5424BHS) — 1

Kathleen T. Zellmer & Associates, P.C.
Law Offices
1901 DuPont Road
Suite 350
Downey, CA 90241
626.533.1233 / 626.533.1234

1 3. In 1984 and 1985, I was a psychology intern and Ph.D. candidate. Starting in
2 approximately September of 1984, I began treating Kathryn Spencer.

3 4. My custom and practice is to keep patient records until 7 years after a patient reaches
4 18 years of age. As a result, I no longer have any records regarding my care and treatment of
5 Kathryn Spencer. I do, however, have an independent recollection of my sessions with
6 Kathryn as described in this declaration.

7 5. Prior to my first session with Kathryn I met with Kathryn's mother to obtain
8 background information regarding Kathryn.

9 6. After meeting with Kathryn's mother I met privately with Kathryn on multiple
10 occasions. During my sessions with Kathryn she manifested a high level of anxiety. For
11 example, I recall Kathryn balling up on the floor. I utilized play therapy, a form of
12 psychotherapy, in an attempt to communicate with Kathryn and assess her underlying
13 psychological state.

14 7. I specifically recall that at no point during my sessions with Kathryn did she describe
15 being molested by anyone.

16 8. During that time period I never used dolls to elicit information from a child
17 regarding possible abuse, because in my view such dolls are suggestive. I did not use any dolls
18 during my sessions with Kathryn, and Kathryn never demonstrated any abuse to me using dolls.

19 9. I have a vague recollection of being contacted by a member of law enforcement from
20 Washington, either a police officer or prosecutor, to discuss my treatment of Kathryn. At that
21 time I told whoever I spoke with that Kathryn had not described any of the alleged abuse to me.

22 10. I never would have told any person, including law enforcement, that Kathryn had
23 described any abuse to me because she had not done so.
24
25
26
27

DECLARATION OF ANN LINK, Ph.D.
(C11-5424BHS) — 2

Kathleen V. Zellmer & Associates, P.C.
LAW OFFICES
1001 Douglas Road
Spokane
Spokane County, WA 99201
509.333.1250

1 11. I never had any further contact with law enforcement about being a witness to any
2 alleged abuse. At the time I assumed I was not contacted because Kathryn had not related to
3 me that she had been sexually abused.

4 12. I have had the opportunity to review and make changes to this affidavit, and it is
5 accurate to the best of my memory and recollection.

6 SIGNED this ___ day of December, 2012 in Carmichael, California.

7 Respectfully submitted,
8
9

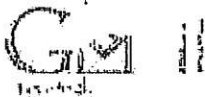
10 _____
11 Ann Link, Ph.D.

12 Subscribed and Sworn to Before me
13 this ___ day of December, 2012

14 _____
15 Notary Public
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27

Gmail - Revised Declaration

<https://mail.google.com/mail/u/0/?ui=2&ik=a0c2ca25a2&view=pt&q=...>



Kathleen Zellner <kzemployees@gmail.com>

Revised Declaration

Kathleen Zellner <kzemployees@gmail.com>

Wed, Dec 12, 2012 at 3:50 PM

To: capollycounseling@gmail.com

Dr. Link,


Please find Kathryn's authorization and your revised declaration attached.


Kathleen T. Zellner & Associates, P.C.
Esplanade IV
1901 Butterfield Road, Suite 650
Downers Grove, Illinois 60518
Office: (630) 966-1212
Fax: (630) 966-1111

website: kathleenzellner.com

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2 attachments

 Declaration of Ann Link (draft).docx
34K

 Authorization for Deposition.pdf
128K



Authorization For Release of Information

Patient Name: Kathryn Spencer (married name Kathryn Tatz)
 SSN Number: 546-89-0437
 Date of Birth: 1/13/79
 Address: 681 G Street, Lincoln, CA 95660

By signing this authorization form I authorize Ann Link, Ph.D., to testify in a deposition for the pending lawsuit of *Spencer v. Peters et al.*, Case No. C11-541481S, and at that time describe my and all mental health care provided to me during the years of 1984 and 1985.

It is my understanding that Ann Link, Ph.D., does not have any documents in her possession regarding my mental health.

I have signed this form voluntarily in order to document my wishes regarding the use and/or disclosure of my mental health information.

Description of Purpose for the Requested Use and/or Disclosure:

I authorize my mental health information to be disclosed for the purpose of its utilization in the pending lawsuit of *Spencer v. Peters et al.*, Case No. C11-541481S, pending in the U.S. District Court for the Western District of Washington in Tacoma.

Points With Respect to This Authorization

Right to Revoke: I understand I have the right to revoke this authorization at any time. I also understand that my revocation of this authorization must be in writing. To obtain a copy of an authorization revocation form I may contact Kathleen T. Zeller & Associates, I am aware that my revocation will not be effective as to disclosures of my health information that the disclosing party and the receiving party have already made upon reliance of this authorization.

Right to Receive Copy of this Authorization: I understand that if I agree to sign this authorization, which I am not required to do, I must be provided with a signed copy of it.

Expiration: This authorization will expire 90 days after signing below unless revoked prior to the expiration date.

I, Kathryn Spencer, (married name Kathryn Tatz), have had the opportunity to review and understand the contents of this form. By signing this form, I am confirming that it accurately reflects my wishes.

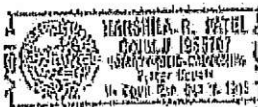
Kathryn Spencer Tatz
 Kathryn Spencer Tatz

12-12-2012
 Date

Link et al. v. Spencer, et al. Cause No. 12-2-0012

Subscribed and sworn to before me
 this 12 day of December, 2012

Harshila R. Patel
 Notary Public



Honorable Judge Benjamin Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLYDE RAY SPENCER, MATTHEW RAY
SPENCER, and KATHRYN E. TETZ,

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FORMER DEPUTY PROSECUTING
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2. I have personal and direct knowledge of the facts set forth in this declaration, and I
will testify to them if called upon to do so.

DECLARATION OF ANN LINK, Ph.D.
(C11-5424BHS)—1

Kathleen T. Zollner & Associates, P.C.
Law Offices
1301 Hillcrest Road
Suite 550
Bakersfield, CA 93311
805.336.1111
www.ktzollner.com

1 3. In 1984 and 1985, I was a psychology intern and Ph.D. candidate. Starting in
2 approximately September of 1984, I began treating Kathryn Spencer.

3 4. My custom and practice is to keep patient records until 7 years after a patient reaches
4 18 years of age. As a result, I no longer have any records regarding my care and treatment of
5 Kathryn Spencer. I do, however, have an independent recollection of my sessions with
6 Kathryn as described in this declaration.

7 5. Prior to my first session with Kathryn I met with Kathryn's mother to obtain
8 background information regarding Kathryn.

9 6. After meeting with Kathryn's mother I met privately with Kathryn on multiple
10 occasions. During my sessions with Kathryn she manifested a high level of anxiety. For
11 example, I recall Kathryn balled up on the floor. I utilized play therapy, a form of
12 psychotherapy, to reduce anxiety, encourage communication, and promote healthy coping.

13 7. I specifically recall that at no point during my sessions with Kathryn did she describe
14 being molested by anyone.

15 8. During play sessions with Kathryn Spencer, I used play therapy, including toys, doll
16 house dolls, and art materials. Kathryn Spencer did not demonstrate abuse to me using play
17 therapy supplies. Because Kathryn Spencer did not disclose abuse to me, I did not use
18 anatomical dolls.

19 9. I never confirmed abuse of Kathryn Spencer with law enforcement and/or any
20 prosecutor.

21 10. I have had the opportunity to review and make changes to this affidavit, and it is
22 accurate to the best of my memory and recollection.
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25
26
27

DECLARATION OF ANN LINK, Ph.D.
(C11-5424BHS) — 2

Kathleen T. Zellmer & Associates, P.C.
Law Offices
1501 North LaSalle Road
Suite 600, Schaumburg, Illinois 60196
630.355.1212 (toll free) • 630.355.0111 fax
KZellmer@KZellmer.com

SIGNED this ___ day of December, 2012 in Carmichael, California.

Respectfully submitted,

Ann Link, Ph.D.

Subscribed and Sworn to Before me
this ___ day of December, 2012

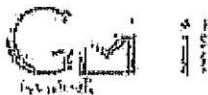
Notary Public

DECLARATION OF ANN LINK, Ph.D.
(C11-5424BHS) — 3

Kathleen T. Ziegler & Associates, P.C.
Law Offices
1601 Riverchase Lane
Birmingham, Alabama 35244-1111
205.955.1212 • Fax • 205.955.1111
www.ktzlaw.com

Gmail - Documents

<https://mail.google.com/mail/u/0/?ui=2&ik=n0c2aa25c2&view=pt&q=>



Kathleen Zellner <kfzemployees@gmail.com>

Documents

1 message

Kathleen Zellner <kfzemployees@gmail.com>
To: capolycounseling@gmail.com

Wed, Dec 12, 2012 at 3:54 PM

Dr. Link,

Per your request, please find the attached documents.

Kathleen T. Zellner & Associates, P.C.
Esplanade IV
1901 Butterfield Road, Suite 660
Downers Grove, Illinois 60616
Office: (630) 955-1212
Fax: (630) 955-1111

website: kathleentzellner.com

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3 attachments

Peters Dep Excerpt 1.pdf
339K

Peters Dep Excerpt 2.pdf
167K

Notes.pdf
380K



JOHNSON (James M. Peters, 11/8/12)

97

- 1 Q Did you have any understanding that Shirley Spencer had
2 made statements that she did not believe Ray had done
3 anything to Katie?
4 A I know she was standing by her husband. I remember that.
5 Q Okay. Did you know that Katie had stated that she did not
6 want to talk to boys about the abuse?
7 A To whom and when? I don't remember that.
8 Q Okay. You can take a look at Exhibit 3, if you'd like.
9 This is Rebecca Roe's report on page 1.
10 A (Witness complying).
11 Q Seven lines up from the bottom.
12 A (Witness perusing document) I see where that's written
13 there. It says, "Sharon Kenuse had to spend several hours
14 one-on-one with victim who also indicated she would not
15 talk about it, quote, with boys, end quote."
16 Q All right. And staying on that page since you have it in
17 front of you, did you also know that Katie did not talk to
18 a female counselor about it?
19 A Actually, that's in -- I see that is written in Rebecca
20 Roe's report, but that's not accurate.
21 Q Well, Rebecca Roe reported that Katie would not talk to a
22 female counselor about it, correct?
23 A I see what's written in Rebecca Roe's report, but as I told
24 you, that's inaccurate. I talked to the female counselor
25 myself who told me that she had been speaking with Katie

JOHNSON (James M. Peters, 11/8/12)

96

1 since September and that on November 1st, 1984, Katie had
2 described this abuse to her using anatomical dolls.

3 Q That was Ann Link, right?

4 A Yes.

5 Q November 1st was the first time you say -- you say -- Katie
6 Spencer reported it, correct?

7 A I didn't say that.

8 Q To Ann Link?

9 A Oh, all I know is what Ann Link told me. I don't know
10 about anything else.

11 Q Okay. And that first revelation that you're talking about
12 came to Ann Link as Ann Link told you on November 1st of
13 '84, correct?

14 A Just to be clear, there had been prior revelations to
15 Shirley Spencer and to Sharon Krause. The first
16 revelation --

17 Q I'm just talking about Ann Link.

18 A As far as I know, when Mr. Nulli and I talked to Ann Link
19 in Sacramento, she told us that Katie had disclosed to her
20 sexual abuse by Ray, described it with anatomical dolls,
21 including fellatio, my word, not hers, oral sex with a man,
22 on November 1st.

23 Q That was after Sharon Krause had spent a substantial period
24 of time with Sharon Krause -- I mean with Katie Spencer,
25 correct?

JOHNSON (James M. Peters, 11/8/12)

125

- 1 A I was. I'm sorry.
- 2 Q Okay. Aside from that report, are there other documents
- 3 that support your assertion that Katie was excessively
- 4 masturbating, her underwear was worn out, and she had
- 5 precocious sexual knowledge?
- 6 A Yes.
- 7 Q And would those also be Sharon Krause reports --
- 8 A No.
- 9 Q -- authored by her?
- 10 A No.
- 11 Q What would those be?
- 12 A The information now, your question was compound, had
- 13 multiple subjects in it, but the behavioral indicators
- 14 portion of it was relayed to me by Ann Link, and it's in
- 15 the notes of Rull, and my interview with Ann Link.
- 16 Q All right. Other than Ann Link and the report you've read,
- 17 are there other documents that reflect the excessive
- 18 masturbation, worn-out underwear, and precocious sexual
- 19 knowledge?
- 20 A The initial reports documented by Shirley Spencer clearly
- 21 show this child had been prematurely sexualized including
- 22 by a male, whom she identified as her father.
- 23 Q All right. Other than that, any more?
- 24 A Off the top of my head, I can't recall.
- 25 Q You also stated that -- or did you state that you gave

		<p>Cornelia Mickel, PhD candidate Matt Pass speech assistant Nixon husband</p> <p>Ann Linton, PhD candidate Rudy Pass speech assistant Pass nurse late 1970s Nixon testified</p> <p>Course started going with Sept 26, 1980 Shows three weeks - 1 hr. each</p> <p>Original symptoms</p> <ul style="list-style-type: none"> a) feeling out b) arthritis problems - attention to this side c) family problems - more frequent d) sexual difficulties - sexual problems e) sleeping difficulties - used to sleep f) difficulty sleeping alone - used to sleep g) difficulty listening alone - used to sleep <p>No eating disorders</p> <p>Anxiety - stress</p> <p>Attention in school</p> <p>Some have improved - some have not</p> <p>Long exposure</p> <p>Listening record</p> <p>See: appra to file who have reported above</p> <p>Noted some changes for the better after</p> <ul style="list-style-type: none"> less anxious stopped repeating night terrors less frequently acting out
--	--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Spencer-00608

Spencer-005971

He has not directly reported what happened

He has not been told what happened

Answer

Answer, same to Sept. 12

① Extreme emotional behavior

a) mother could be in in a hospital

as it was very bad

b) mother to hospital mother

c) mother said she had been that way before

d) when subject brought up the other

displaying negative behavior

visit

body part

accusation

On Nov. 1 she demonstrated w/ talk for them

a) Father, Mother, in P.O. Box - Weiner in Boston

b) Only able to whisper there

c) Reported adult male doll as doll - girl as self

d) Kiss, hug, etc.

e) Carried away

f) Father

g) Mother

h) Sister

said to heart

② Sleep Problem - unable to sleep alone

had to sleep in room over mother

nightmares

unable to go to sleep left room got home

if mom went out

Spencer-00809

Spencer-005A72

(3) Obama also came back from when she finished
 "preparation" to things that earlier had
 not bothered her
 Transition into transition activity
 Reported by Obama

(4) Difficulty, Commission
 Reported by Obama
 Observed by Ann Little who subject of her visit
 Deacon reported that was very uncomfortable for her

Deacon have gotten less than happy

Last time was here was March 13, 1991, subject of her visit
 had surgery